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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,501	08/30/2001	Masashi Kon	09792909-5130	2401

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EXAMINER

SHERR, CRISTINA O

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/944,501	Applicant(s) KON ET AL.	
	Examiner Cristina O Sherr	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

This communication is in response to the application filed 30 August 2001. Claims 1-27 have been examined in this case.

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 11-18 and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bianco et al. (US 6,256,737) in view of Marckini (US 5,907,149).
5. Regarding claims 1, 2, 4, 11-16, 18 and 24-28 –

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Bianco et al. discloses a system, method and computer program product for allowing access using biometric devices. The system uses one or more biometric templates stored in the biometric server (104) that are compared with a user's live biometric measurement (col. 3, lines 1-2). The system comprises a personal authentication authority (102) issuing a person authenticate certificate storing template information (104) and a person authentication execution entity (by applying appropriate biometric policies and using biometric devices) obtaining the template from the person authentication certificate issued by the person authentication authority and executing person authentication on the basis of the obtained template (see steps 618-622 in Fig. 6 and Figs. 8a-1-Fig 9). The personal biotic information may include fingerprints, retina and facial images, weight, DNA data, breath, voice, typing stroke and signature. Any of above biometric data can be used alone or in combination with another data for the purpose of collecting a biometric template in the biometric server.

6. Although Bianco discloses the biometric system comprises a timing basis operation, he fails to disclose or fairly suggest an expiration data or a limited usage number. Marckini discloses an identification card (10) including visually readable information and machine-readable data. Some of the visually readable information may not be personal biotic information such as card ID number information. A third party which is independent from the system using the card to determine accessibility of an event or transaction may issue the identification card. The encoded machine-readable data includes encoded data representative of a personal identifier of the bearer and encoded data representative of at least one event or transaction. The personal identifier

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is preferably biometric and the event or transaction encoded on the card has a predetermined number of permissible occurrences (col. 2,11. 18-23). The identification card provides a secure access to a particular event or transaction and controls the number of access to the event or transaction to a predetermined number.

7. In view of Marckini reference, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further incorporate the method of verifying the expiry of eligibility of identification card holder in addition to the biometric system of Bianco due to the fact that an access to an event or transaction is more accurately and selectively given and the number of accessing the event or transaction is limited to a predetermined number for the purpose controlling the number of access given to a particular event or transaction and individuals who access them. Further, such modification of employing the identification card, as taught by Marckini to the teachings of Bianco et al. would have been an obvious matter of design variation, well within the ordinary skill in the art, and therefore an obvious expedient.

8. Regarding claim 3 –

Bianco et al. in view of Marckini discloses the information processing apparatus reads the encoded event-related or transactional data for a determination of prior occurrences (col. 3,11. 65-67 of Marckini). He discloses the apparatus will actuate access to an event or a transaction when the apparatus determines prior events or transactions within the predetermined number of permissible occurrences. Otherwise, the apparatus actuates a bar to an event or a transaction (col. 2,11. 28-38).

9. Regarding claims 5 and 17 –

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Bianco et al. in view of Marckini discloses the information processing apparatus checks the validity of a template on the basis of a template expiration data. Since the identification card of Marckini comprises an expiration date, the personal identification data (preferably biometric) stored within the card depends on the expiration data of the card and number of permissible occurrences.

10. Claims 6-10 and 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bianco et al. (US 6,256,737) as modified by Marckini (US 5,907,149) as applied to claim 1 stated above, and further in view of Ohtsuki et al. (US 5,831,547).

11. The teachings of Bianco et al. in view of Marckini have been discussed above. However, the prior art of references fail to teach or fairly suggest means for giving notice of approaching expiration date.

12. Ohtsuki et al. discloses a processor (202) reading the expiration date and the present date from the time and date clock (206). The processor compares the expiration data to the present date. If the time remaining until the expiration date is smaller than a predetermined number, the processor provides a signal to notify the user of the card (col. 6, lines 12-22). It is suggested that the expiration data can be modified according to the user's preset data (col. 6,11. 53-57). Therefore, it would have been obvious at the time the invention was made to a person having of ordinary skill in the art to have added means for keeping the current time and comparing it to an expiration date as taught by Ohtsuki et al. into the teachings of Bianco et al. in view of Marckini for the purpose of informing the user of remaining time until the expiration date and allowing opportunity to modify the time sensitive information according to the needs of a user.

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13. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

15. Musgrave et al. (US 6,505,193) discloses a system and method of comparing a biometric data and processing them based on digital certificate authentication process.

16. Matchette et al. (US 5,229,764) discloses a system activating and analyzing the biometric data from a variety of biometric personal identification devices.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina O Sherr whose telephone number is 703-305-0625. The examiner can normally be reached on Monday through Friday 8:30 to 5:00.

18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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19. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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